

**REMARKS**

The Examiner required restriction of one of the following inventions:

- I. Claims 1, 3-4 and 9-34, drawn to a process for producing a sterile plant comprising a transcription factor fused with a functional peptide that converts the transcription factor into a transcriptional repressor, and wherein the fusion protein causes the plant to be sterile;
- II. Claim 2, drawn to a process for producing a sterile plant comprising a transcription factor fused with a functional peptide that converts the transcription factor into a transcriptional repressor, and wherein the fusion protein causes a change in flower morphology;
- III. Claims 5-8, drawn to a process for producing a sterile plant comprising a transcription factor fused with a functional peptide that converts the transcription factor into a transcriptional repressor, and wherein the fusion protein inhibits another dehiscence; or
- IV. Claims 35-36, drawn to a kit that produces a sterile plant comprising a gene associated with formation of a floral organ, stamen, pistil or dehiscence of anthers and a polynucleotide that encodes a peptide that converts any transcription factor into a repressor and promoter.

Additionally, if Group I is elected, the Examiner has required a further Species election of one of **each** of: (i) the DNA and corresponding amino acid sequences of claims 16-25; and (ii) the peptide sequences of claims 26-32.

**Applicants' Election**

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1, 3-4 and 9-34. As to a transcription factor and a gene encoding the transcription factor, Applicants elect, with traverse, claim 18 and claim 20 corresponding thereto. As to a functional peptide, Applicants elect claim 27 and SEQ ID NO. 17, with traverse. Applicants specifically reserve the right to file a divisional application directed to non elected claims 2, 5-8 and 35-36.

**Arguments in Support of Traversal**

The Examiner asserts that Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: a transcription factor fused with a functional peptide that converts the transcription factor into a transcriptional repressor is taught in the prior art. Specifically, Hiratsu et al (2003, The Plant Journal 34:733-739) teach the EAR motif, a repression domain of only 12 amino acids that when fused to transcription factors, converts the transcription factors to dominant repressors that suppresses the expression of specific target genes (See abstract). Applicants respectfully disagree.

Applicants submit that Hiratsu does not teach or suggest that the protein with an amino acid sequence represented by SEQ ID NO. 136 according to claim 18 serves as a transcription factor that promotes transcription of a gene associated with anther dehiscence. In addition, Hiratsu does not teach or suggest that a plant with

suppressed anther dehiscence is obtained by producing, in the plant, a chimera protein in which a transcription factor as set forth in (a) or (b) of claim 18 and the functional peptide have been fused with each other. Thus, Groups I-IV have the same special technical feature, which is not anticipated nor rendered obvious by Hiratsu. Therefore, Applicants respectfully request that with restriction requirement be withdrawn and all claims examined in the present application.

In the alternative, upon the allowance of a claim with a "*special technical feature*" and/or allowance of a generic claim, Applicants respectfully request rejoinder of all claims containing that "*special technical feature*" and/or all claims dependent on that generic claim.

Furthermore, regarding the election of a particular peptide in claims 26-32, a variety of function peptides that convert arbitrary transcription factors into transcription repressors have conventionally been known (e.g., page 6, line 27 to page 7, line 2, page 43, line 25 to page 44, line 28, and page 49, line 27 to page 50, line 2 of the English specification of the present application). Therefore, not only the peptide of SEQ ID NO. 17, but also the other functional peptides (e.g., the peptides of SEQ ID NOS. other than SEQ ID NO. 17 as set forth in claims 26 to 32 and the peptides described in page 43, line 25, to page 44, line 28 and page 45, lines 5 to 13 of the English specification of the present application), can be fused with an arbitrary transcription factor to suppress transcription of target genes that are controlled by the transcription factor.

Moreover, by using, as the transcription factor, the protein with an amino acid sequence represented by SEQ ID NO. 136 (NACAD1), transcription of target genes that

are controlled by NACAD1 can be suppressed. The phrase "converts an arbitrary transcription factor into a transcription repressor" in the claims of the present application merely describes the publicly known properties of a functional peptide.

Thus, since the fact that "a functional peptide can convert an arbitrary transcription factor into a transcription repressor" per se is not a feature of the present invention, a person skilled in the art would understand that it is not necessary to limit the functional peptide to a functional peptide having a particular amino acid sequence and that the effects of the inventive concepts can also be brought about by using another functional peptide.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By

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Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

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